

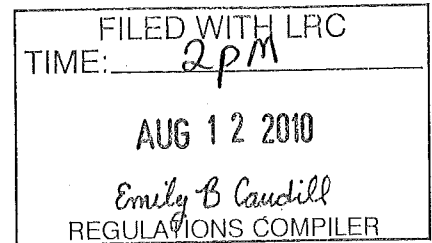
301 KAR 2:251

Hunting and trapping seasons and limits for furbearers

This administrative regulation establishes hunting and trapping seasons, methods of taking, bag limits, harvest recording procedures, and checking requirements for furbearer species in Kentucky.

Significant Changes

This amendment removes the prohibition on use of buckshot and the carrying of certain weapons.



1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (AMENDMENT)

4 301 KAR 2:251. Hunting and trapping seasons and limits for furbearers.

5 RELATES TO: KRS 150.170, ~~[150.175,]~~ 150.180, ~~[150.340,]~~ 150.360, 150.370, 150.399,
6 150.400, 150.415, 150.416, 150.990

7 STATUTORY AUTHORITY: KRS 150.025, 150.175, ~~[150.120(4),]~~ 150.410

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to
9 establish seasons for the taking of game and fish and to regulate bag and possession limits, the
10 methods of taking and the devices used to take wildlife. KRS 150.175 authorizes the department
11 to issue licenses, permits, and tags for hunting and trapping. ~~[KRS 150.120(4) authorizes the~~
12 ~~department to prohibit the possession of any illegal devices for the taking of wildlife.]~~ KRS
13 150.410 authorizes the department to regulate trap tags, trap visitation, and trap placement to
14 protect domestic animals. This administrative regulation establishes seasons, bag limits, and
15 legal methods for hunting and trapping furbearers. ~~[is necessary to ensure the permanent and~~
16 ~~continued supply of furbearer species by protecting them from overharvest and also establishes~~
17 ~~safe standards for the proper use and placement of traps.]~~

18 Section 1. Definitions. (1) "Body-gripping trap" means a commercially manufactured spring-
19 loaded trap designed to kill the animal upon capture.

20 (2) "Dry land set" means a trap that is not set to submerge an animal in water ~~[drown an animal]~~
21 upon capture.

(3) "Foothold trap" means a commercially manufactured spring-loaded trap with smooth, metallic jaws that close upon an animal's foot.

(4) "Furbearer" means mink, muskrat, beaver, raccoon, opossum, gray fox, red fox, least weasel, long-tailed weasel, river otter, bobcat, coyote, [eeyote] and striped skunk.

(5) "Hunter" means a person hunting furbearers with gun, gun and dog, bow and arrow, dog, or by falconry.

~~(6) ["Modern gun deer season" means the season established by 301 KAR 2:172.]~~

~~(7)~~ "Snare" means a wire, cable, or string with a knot, loop, or a single piece closing device which is not power or spring assisted.

~~(7)~~ [(8)] "Squaller" means a hand-operated, mouth-operated, or electronic call capable of mimicking the vocalizations of furbearers.

~~(8)~~ [(9)] "Trap" means a body-gripping trap, box trap, deadfall, foothold trap, snare, or wire cage trap used to catch furbearers.

~~(9)~~ [(10)] "Water set" means a trap set to submerge an animal in water [~~drown an animal~~] upon capture.

~~(10)~~ [(11)] "Youth" means a person who has not reached sixteen (16) years of age.

Section 2. Hunting and Trapping Seasons. Except as specified in 301 KAR 2:049 or 301 KAR 2:125, a person shall not take the following wildlife except during the dates specified in this section:

(1) Raccoon and opossum:

(a) Hunting - From November 1 through the last day of February. During the modern gun deer season, as established in KAR 2:172, a raccoon or opossum hunter shall not take [~~not~~:

~~1. Take~~] raccoons or opossums during daylight hours; [~~or~~

2. ~~Carry a gun except a .22 caliber rimfire gun, except as provided by KRS 237.110.~~

(b) Trapping - From noon on ~~[noon]~~ the third day of the modern gun deer season through the last day of February.

(2) Coyote:

(a) Hunting: year round.

(b) Trapping: From noon on ~~[noon]~~ the third day of modern gun deer season through the last day of February.

(3) Bobcat:

(a) Hunting: From noon on ~~[noon]~~ the third Saturday in November through January 31.

(b) Trapping: From noon on ~~[noon]~~ the third day of the modern gun deer season through the last day of February.

(4) All other furbearers: From noon on ~~[noon]~~ the third day of the modern gun deer season through the last day of February.

(5) Furbearers taken by falconry: September 1 through March 30.

(6) There shall not be a closed season on:

(a) Chasing red and gray foxes during daylight hours for sport and not to kill; and

(b) Chasing raccoons or opossums for sport and not to kill.

(7) For seven (7) consecutive days beginning on the Saturday after Christmas, a youth may hunt or trap furbearers without a hunting or trapping license, but all other statewide requirements shall apply. ~~[license. Statewide requirements and bag limits apply.]~~

Section 3. Bag Limits. (1) There shall not be a bag limit on furbearers except for:

(a) bobcats;

(b) river otters; and

~~(c) [for bobcats, river otters, and]~~ those taken by falconry.

(2) A person shall not take more than five (5) bobcats per season, no more than three (3) of which shall be taken with a gun.

(3) A person shall not take more than six (6) river otters per season.

(4) A falconer hunting within the falconry season, but outside the dates specified in Section 2(1) through (4) of this administrative regulation, shall not take more than two (2) of any furbearer per day.

Section 4. Legal Hours of Take. ~~[A person shall not take furbearers by hunting except during the times specified in this section.]~~

(1) Furbearers: daylight hours only, except for raccoon and opossum.

(2) Raccoon and opossum: day or night, except that a person shall not take raccoons or opossums during daylight hours during the modern gun deer season, as established in 301 KAR 2:172.
~~[season.]~~

Section 5. Use of Calls. A hunter may use a hand- or mouth-operated call, electronic call, or any other attracting device during a furbearer hunting season.

Section 6. ~~[A hunter shall not carry buckshot while hunting, except as authorized by KRS 237.110.~~

~~Section 7.]~~ Raccoon and Opossum Restrictions. (1) A hunter shall not use a light from a boat to take raccoon or opossum.

(2) Except as specified in subsection (3) of this section, a person shall not use the following while chasing raccoon or opossum from noon on March 1 through October 31:

(a) A firearm; ~~[chasing raccoon or opossum from noon, March 1 through October 31 shall not use or carry a:~~

(a) ~~Firearm or concealed deadly weapon unless authorized by KRS 237.110;~~

(b) Slingshot;

(c) Tree climber;

(d) Squaller; or

(e) Any device to kill, injure, or force ~~[Similar device capable of killing, injuring or forcing]~~ a raccoon or opossum from a tree or den.

(3) A person participating in a department-approved raccoon dog trial sanctioned by one (1) of the following organizations may use a squaller:

(a) The American Coon Hunters Association;

(b) The American Kennel Club/American Coon Hunters Association;

(c) The National Kennel Club;

(d) The Professional Kennel Club;

(e) The United Coon Hunters Association; and

(f) The United Kennel Club.

Section 7. Trapping Methods. (1) A person who is ~~[8. Trapping Methods. (1) A person]~~ trapping on dry land shall not:

(a) Set traps closer than ten (10) feet apart; or

(b) Use any trap except for the following: ~~[a trap except a:]~~

1. Deadfall;

2. Wire cage or box trap;

3. Foothold trap with a maximum inside jaw spread of six (6) inches measured perpendicular to the hinges;

4. Body-gripping trap with a maximum inside jaw spread of seven and one-half (7.5) inches

1 measured parallel with the trigger; or

2 5. A snare.

3 (2) There shall be no restrictions on the size or type of trap used as a water set.

4 (3) A trap shall not be set in a trail or path commonly used by a human or a domestic animal.

5 (4) A trapper may use lights from a boat or a vehicle.

6 Section 8. [~~9~~] Harvest Recording. Immediately after taking a river otter or bobcat, a person
7 shall:

8 (1) Record, in writing, the species, date taken, county where taken, and sex of the river otter or
9 bobcat before moving the carcass from the site where taken. This information shall be logged
10 and registered on one (1) of the following:

11 (a) Hunter's log section on the reverse side of a license or permit;

12 (b) Hunter's log from the current hunting and trapping guide;

13 (c) Hunter's log printed from the Internet;

14 (d) Hunter's log available from any KDSS agent; or

15 (e) An index or similar card; and

16 (2) Retain and possess the completed hunter's log if the hunter is in the field during the current
17 season.

18 Section 9. [~~10~~] Checking a River Otter or Bobcat. (1) A person shall check a harvested river
19 otter or bobcat by calling the toll free number listed in the current hunting and trapping guide on
20 the day the river otter or bobcat is harvested and:

21 (a) Providing the information requested by the automated check-in system; and

22 (b) Writing the confirmation number given by the automated check-in system on the hunter's log
23 described in Section 8 [~~9~~] of this administrative regulation.

(2) A person wishing to sell the raw fur of a river otter or bobcat to a licensed fur processor, fur buyer, or taxidermist or wishing to export a river otter or bobcat pelt outside the United States shall:

(a) Call the department's toll-free information number and request a Convention on International Trade of Endangered Species of Flora and Fauna (CITES) tag by providing:

1. A valid confirmation number as described in subsection (1) of this section; and
2. A street address where the tag is to be mailed; or

(b) Access the department's website at <http://fw.ky.gov/> and complete and submit the CITES tag request form.

(3) If a harvested river otter or bobcat leaves the possession of a hunter or trapper and does not have a CITES tag attached to it, the hunter or trapper shall attach a handmade tag to the carcass, that contains;

- (a) The confirmation number;
- (b) The hunter or trapper's name; and
- (c) The hunter or trapper's phone number.

(4) A person shall not provide false information if completing the hunter's log, checking a river otter or bobcat, or creating a carcass tag.

(5) A CITES tag shall be attached to the raw fur, pelt, or unskinned carcass per the instructions provided by the department and remain with the pelt until it is processed or exported outside the United States.

(6) Possession of an unused CITES tag is prohibited unless authorized by the department.

Section 10. [~~11~~.] Transporting and Processing a River Otter or Bobcat. (1) A person shall not sell the raw fur of a river otter or bobcat except to a licensed:

1 (a) Fur buyer;

2 (b) Fur processor; or

3 (c) Taxidermist.

4 (2) A taxidermist, fur buyer, or fur processor shall:

5 (a) Not accept a river otter or bobcat carcass or any part of a river otter or bobcat without a
6 proper carcass tag or CITES tag described in Section 9 [10] of this administrative regulation; and

7 (b) Keep the following information from a hunter or trapper:

8 1. Name;

9 2. Address;

10 3. Confirmation number or CITES tag number; and

11 4. Date received for each river otter or bobcat.

12 Section 11. [12.] Trap Tags. (1) Each trap shall have a metal tag attached to it that clearly shows
13 one (1) of the following:

14 (a) The name and address of the person setting, using, or maintaining the trap; or

15 (b) A wildlife identification number issued by the department and the 1-800-25ALERT
16 department hotline phone number.

17 (2) A person may apply for a wildlife identification number by:

18 (a) Accessing the department's Web site at <http://fw.ky.gov/>; or

19 (b) Calling the department's information center at 1-800-858-1549.

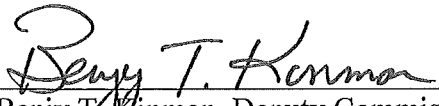
20 (3) The following information shall be required for a person to apply for a wildlife identification
21 number:

22 (a) Name;

23 (b) Current home address;

- 1 (c) Social Security number;
- 2 (d) Current phone number;
- 3 (e) Date of birth; and
- 4 (f) Driver's license number, if available.
- 5 (4) A person shall:
- 6 (a) Not use a trap tag that has an inaccurate or outdated address;
- 7 (b) Not use a trap tag that has a wildlife identification number that corresponds to an inaccurate
- 8 or outdated address or phone number; and
- 9 (c) Contact the department to provide updated address and phone number.
- 10 (5) A wildlife identification number is valid for the life of the holder.

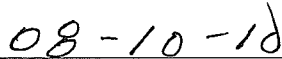
Approved by the Fish and Wildlife Commission June 11, 2010.



Benjy T. Kenman, Deputy Commissioner, for
Dr. Jonathan Gassett, Commissioner
Department of Fish and Wildlife Resources



Marcheta Sparrow, Secretary
Tourism, Arts and Heritage Cabinet



Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 21, 2010, at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by September 30, 2010.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-3400 FAX (502) 564-9136

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 2:251. Hunting and trapping seasons and limits for furbearers.
Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: Establishes hunting and trapping seasons, methods of taking, bag limits, harvest recording procedures, and checking requirements for furbearer species in Kentucky.

(b) The necessity of this administrative regulation: To allow for safe and effective harvest and related records-keeping for the long-term conservation and management of furbearer populations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025 authorizes the department to promulgate administrative regulations governing game and fish species, including seasons and limits. KRS 150.175 authorizes the department to issue licenses, permits, and tags for hunting and trapping. KRS 150.410(1) authorizes the department to require a metal trap tag that has the name and address of the trapper or a unique wildlife identification number that corresponds to the trapper.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will establish the seasons, bag limits, and methods of take used to manage statewide furbearer populations and defining the use of wildlife identification numbers on trap tags.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes the prohibition on use of buckshot and the carrying of certain weapons.

(b) The necessity of the amendment to this administrative regulation: This amendment was necessary to conform with the new provisions of Senate Bill 64 and to liberalize the use of effective ammunition for taking furbearer species without harming the populations.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All those who hunt furbearer species could potentially benefit from this regulation. Coyote hunters will benefit the most through liberalized hunting methods.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Furbearer hunters and trappers will not be required to take any additional actions to comply with this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each

of the entities identified in question (3): There will be no additional cost to furbearer hunters or trappers.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Coyote hunters will benefit from the more liberal ammunition requirements.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no additional cost to the department to implement this administrative regulation.

(b) On a continuing basis: There will be no additional cost to the department on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase a fee or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No new fees will be established.

(9) TIERING: Is tiering applied? (Explain why or why not) No. Tiering was not used because all furbearer trappers are subject to the same seasons, methods of taking, bag limits, harvest recording procedures, and checking requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 301 KAR 2:251

Contact Person: Rose Mack

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No _____

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be impacted by this administrative regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025 authorizes the department to promulgate administrative regulations for hunting and trapping seasons, methods of taking, bag limits, harvest recording procedures, and checking requirements for furbearing species in Kentucky. KRS 150.410 authorizes metal trap tag requirements. KRS 150.175 authorizes the department to issue licenses and permits for hunting and trapping.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No additional revenue will be generated by this administrative regulation during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No additional revenue will be generated by this administrative regulation during subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs incurred for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None; see 4 (a) and (b) above.

Expenditures (+/-): None; see 4 (c) and (d) above

Other Explanation: